

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**Case No. 21-CR-442-GKF**

**JACE CHRISTIAN WILLIAMS,**

**Defendant.**

**RESPONSE TO DEFENDANT’S MOTION FOR DOWNWARD VARIANCE**  
**(DKT #52)**

The gravamen of Defendant’s variance request is that the tragic attack in this case was merely “a school yard fight between two boys.” (Dkt #54 at 1). Nothing could be further from the truth. The government has requested the transcript of certain witnesses in this case. But this Court needn’t review a transcript to recall that every single witness to the incident, aside from Defendant himself, unequivocally rejected any description of what happened to Owen Looper as a “fight.” What happened to Owen Looper was a vicious, unprovoked attack, and that is what the evidence in this case established.

The only other argument advanced in the variance motion is that this Court should consider the fact “there will be appreciable amount of restitution” as an “ingredient” for a “probationary sentence.” Defendant does not cite any authority for why a potential restitution award supports a downward variance. Even if

restitution is ordered, it is possible Defendant may never be able to satisfy his restitution obligations. The mere potential for restitution is insufficient to achieve the sentencing goals of just punishment, deterrence, and protection of the public. The motion should be denied.

Respectfully submitted,  
CLINTON J. JOHNSON  
United States Attorney

/s/ Richard M. Cella

---

Richard M. Cella, TX Bar No. 24078328  
Assistant United States Attorney  
110 West Seventh Street, Suite 300  
Tulsa, Oklahoma 74119  
(918) 382-2700

### **Certificate of Service**

I hereby certify that on the 17th day of June, 2022, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF recipient:

John Dunn  
*Counsel for Defendant*

/s/ Richard M. Cella  
Richard M. Cella  
Assistant United States Attorney